

Board of Directors Meeting
Board on Aging and Long Term Care
Conference Room 101
Madison, WI 53704
Oct 31, 2018

Chair Tanya Meyer called the meeting to order at 9:00 am. It was noted that this meeting was properly noticed under the Open Meetings Notice law.

Members Present: James Surprise Dr. Dale Taylor
Tanya Meyer Dr. Valerie Palarski
Barbara Bechtel

Members Excused: Mike Brooks

Staff Present: Heather Bruemmer Kellie Miller Vicki Buchholz
Chris McElgunn Vicki Tiedeman Julie Button
Rachel Selking Mary LeMay Jessica Toscano
Kim Marheine Tom LaDuke

Guests Present: **Cindy Ofstead**, Department of Health Services
Jeff Becker, Department of Health Services
Curtis Cunningham, Assistant Administrator for Long Term Care
Benefits and Programs, Division of Medicaid Services, Department of
Health Services

Agenda: Approval of agenda as submitted M/S/C (Palarski/Surprise)

Minutes: Minutes of the August 8, 2018 board meeting were approved as presented. M/S/C (Bechtel/Taylor)

Remarks by a Board Member: Tanya Meyer, Board Chair

Ms. Meyer reported that the State Ombudsman, Heather Bruemmer and she toured facilities earlier in the week. Ms. Meyer remarked at the differences in living conditions at each location.

Presentation: Curtis Cunningham, Assistant Administrator for Long Term Care Benefits and Programs: Updates on Long -Term Care

Mr. Cunningham gave an overview of Wisconsin's Long- Term Care (LTC) Program Services. He presented data on:

- The number of consumers that are enrolled in programs
- The actual expenditures for each program
- Family Care/IRIS Expansion
- Results of the WI LTC Model, with Wisconsin ranking 6th in the nation and the receiver of the Pace Setter Award for choice of setting and provider
- Trends in Medicaid Long Term Care pertaining to population and projections for people 65 and over

- Caregiver Support Ratio - the projected numbers of caregivers to individuals 80 and over
- Medicaid Long-Term Care Priorities are based on various requirements and initiatives

Presentation: Tom LaDuke, Relocation Ombudsman Specialist

Mr. LaDuke gave updates on facility closures and resident relocation:

- Forms have been updated at the Department of Health Services for Resident Relocation Plans
- Chapter 50 Resident Relocation Requirements

Legislative Updates, Mr. McElgunn, Counsel to the Board: Legislative and Other Updates

Mr. McElgunn discussed a news article, “CMS Proposes Rollback of Emergency Preparedness Rules” in the National Consumer Voice. The article reported that the Centers for Medicare and Medicaid Services (CMS) issued a proposed rule that would impact Medicare providers in that revisions would be made to the emergency preparedness regulations. The proposed plan would require a facility to review and update its emergency plan every two years rather than annually. This proposed change to the rules is based on the intent to reduce provider burden.

Mr. McElgunn asked the board for a vote to provide comments for non-support of the proposed rule; to keep emergency planning review to every year, rather than every two years.

M/S/C (Palarski/ Surprise)

Mr. McElgunn presented the Supported Decision-Making Agreement form from the Department of Health Services. The form was recently updated and assists people with disabilities to choose supporters and help them to understand the situations and choices they face so that they can make their own decisions.

Mr. McElgunn discussed a bill that Wisconsin Congressman Sean Duffy introduced to change the mandatory Certified Nurse Assistant (CNA) training lockout for Skilled Nursing Facilities (SNF), and instead allow the Secretary of the Department of Health Services to impose a lockout based on a substandard quality of care.

Medigap Helpline Update, Ms. Buchholz, Medigap Helpline Services Supervisor: Program Updates

- The Medigap Helpline Programs call volumes have been consistent in this year’s Fall Open Enrollment Period. The average is about 80 incoming calls a day.
- There have been 25 student volunteers in Madison and 8 in Milwaukee this season. The volunteers have given 80 hours of service to the agency, running over 100 plan-finders.
- Staff have been very busy with Outreach events statewide. In September we held 15 events and 16 in October. The events have been very well received by both the public and professionals alike. We participated in the Fall Medicare Training for Professionals in Madison and Milwaukee (with Webcast out of Madison). We have presented to Office of the Commissioner of Insurance (OCI) Insurance Examiners to help them understand the Medigap Programs and continue to participate in the initial trainings for Elder Benefit Specialists.

- On September 14, 2018 the Medigap Helpline team received the prestigious Ace Organizational Excellence Award at the Kalahari Resort in Wisconsin Dells. The Medigap staff attended the recognition luncheon, along with board member Dr. Dale Taylor.
- Ms. Buchholz gave updates on program trends: CASE New Holland situation continues to bring in calls; Emerson/Insinkerator retirees losing prescription coverage; State of Wisconsin Medicare Advantage plan; Mediware database is being updated; reports of Social Security scams requesting person's benefit information.

Ombudsman Services Update, Ms. Marheine, Ombudsman Services Supervisor: Program Updates

Ombudsmen gave updates on their casework. Staff are seeing a lot of family challenges.

Ms. Marheine reported the following:

- Ombudsmen continue to consult with providers regarding regulatory challenges impacting residents such as closures with little or no notice and planning, improper grievance procedures and facility-initiated (involuntary) discharges. Calls continue to be quite high relative to contact restrictions placed on or by family members and/or legal decision-makers and requiring intensive support to residents as a result.
- Letter of Guardianship Changes: We have been working for quite some time with Disability Rights WI, the Guardianship Support Center and the WI Board for People with Developmental Disabilities on making changes to the Letters of Guardianship that would include a description of the guardian's duty to use her or his authority in the least restrictive manner possible and after getting input from the ward. The WINGS WI group as well as several other entities in the state are hoping to use some of this language as a springboard for requiring some standardized training for guardians.
- Supported Decision-Making (SDM) Education: Ms. Marheine will be presenting with Alice Page from DHS at the FOCUS Conference about boundaries of legal decision-makers and will be including information about SDM as part of that presentation. Christy Daley, Regional Ombudsman, and Jessica Radtke, DQA Regional Field Operations Director, will also be presenting at FOCUS, on balancing rights and regulations with dignity of risk.
End-of-Life Decision-Making: The Ethics Committee of one of the Managed Care Organizations requested a consult recently regarding end-of-life decisions and advanced care planning for clients, and how issues are communicated with legal decision-makers, particularly when clients have dementia Crisis Intervention for Residents with Dementia: The Ombudsman Program has been working with counties and DHS to examine current processes for taking persons into custody and how they end up with legal decision-makers and restrictions that may not accurately reflect their needs, and which may not address the reason for the escalation in behavior.
- Ms. Marheine reported on the progress of the Ombudsman program's many workgroups.
- The agency's IRIS Ombudsmen were awarded their Tier One Long Term Care Ombudsman Certification at our staff in-service in September. All staff received education about Unconscious Bias and participated in the agency's annual recognition of service. Regional meetings were held statewide in October, where ombudsmen discussed managed care and regular casework, Paul Greenwood's upcoming visit next spring and ombudsman continuing education monitoring.

- Eighteen Immediate Jeopardy cites (as compared to 18 in the previous reporting period) were noted since the August board meeting.

Volunteer Services Update, Ms. Miller, Volunteer Services Supervisor: Program Updates

- The Volunteer Ombudsman Program conducted six Residents Rights in-services for all Volunteer Ombudsmen during the month of October which is Residents' Rights Month. October has been designated to honor residents living in long-term care facilities and for consumers receiving care in their homes and communities.
- Mr. Thomas Haupt, MS from the Wisconsin Department of Health Services, Division of Public Health, Influenza Surveillance Coordinator/Research Scientist presented Infection Prevention and Control, focusing in on the outbreak's status in nursing homes. Mr. Haupt presented at the Wausau, Green Bay and Oshkosh regions during the Residents Rights in-services.
- The Volunteer Voice agency newsletter has been published and distributed.
- The Volunteer Ombudsman Program staff will be attending the annual FOCUS Conference in November in Wisconsin Dells.

Comments from the Public: No comments from the public were received.

Administrative Report: Ms. Bruemmer, Executive Director/State Ombudsman: Administrative Report

The ED submitted the Agency's 2019-2021 Biennial Budget to the Governor's Office.

The ED provided updates:

- A Legislative Fiscal Bureau staff member observed the Medigap Helpline Program and listed to consumer's calls with the Medigap Counselors in August.
- The ED met with the Division of Enterprise Technology to discuss Agency needs. Areas of interest were the deployment of Windows 10 and electronic signatures.
- The ED presented legislative strategies and the day to day work within the Ombudsman Program to new State Ombudsmen. The ED still mentors the state of Wyoming.
- The ED and the Counsel to the Board met with Capital Police to review security recommendations.
- The ED is participating in the Elder Abuse Task Force and serves on the Financial Exploitation committee hosted by the Attorney General. Ms. Marheine and Mr. McElgunn serve on the Criminal Task Force.
- The ED is serving on the Dementia Summit steering committee. The committee consists of 11 members and will focus on the five-year plan for Wisconsin.
- The Consumer Voice and State Ombudsman meeting was in October. The theme was "Speak Up" for the residents that we serve.

New Business: No new business.

Next Meeting Date: February 27, 2019

Other future meeting dates are:
May 16, 2019

August 7, 2019
October 30, 2019

Adjournment: Meeting adjourned at 2:30 pm; M/S/C (Taylor/Surprise)

Respectfully submitted,
Vicki Tiedeman, Recorder